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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
ELISCA, PIERRE E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/982,214

Applicant(s)

VISWANATH ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's arguments filed on 01/03/2008.
2. Claims 17-30 remain pending.
3. The rejection to claims 17-30 under 35 U.S.C. 103 (a) as being unpatentable over Shwed in view of Bowker as set forth in the Office action mailed on 10/03/2007 is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-30 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shwed et al U.S. Pat. No. 5,835,726 in view of Bowker et al U. S. Pat. No. 6,601,071.

As per claims 17-25 Shwed substantially discloses a novel system for controlling the inbound and outbound data packet flow in a computer network, the system comprising:

A memory, wherein the memory comprises program instructions executable on the processor to implement a Document Exchange (XDOC) framework for processing inbound and outbound in an electronic procurement system, wherein the XDOC framework comprises: an Extensible content configuration file module configured to

provide content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents; a conduit file module coupled to receive files; a persistent object framer module coupled to configure file module configured to maintain data persistence of files stored in a database external to said framework in said electronic procurement system, wherein said files stored in said database correspond to said content in said in-bound documents and said out-bound documents respectively (see., Shwed, col 1-col 18).

Shwed fails to explicitly disclose the native format as being an XML format. However, Bowker discloses translating between first and second XML formats so that business may communicate more effectively with one another(see., abstract, col 1-col 15).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitation detailed above as taught by Bowker because this would have helped businesses to exchange information without having to know, and provide separate conversion tools for the various business formats.

As per claims 26-30 Shwed substantially discloses a novel method for controlling the inbound and outbound data packet flow in a computer network, the method comprising: A memory, wherein the memory comprises program instructions executable on the processor to implement a Document Exchange (XDOC) framework for processing inbound and outbound in an electronic procurement system, wherein the XDOC framework comprises: an Extensible content configuration file module configured to

provide content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents; a conduit file module coupled to receive files; a persistent object framer module coupled to configure file module configured to maintain data persistence of files stored in a database external to said framework in said electronic procurement system, wherein said files stored in said database correspond to said content in said in-bound documents and said out-bound documents respectively (see., Shwed, col 1-col 18).

Shwed fails to explicitly disclose the native format as being an XML format. However, Bowker discloses translating between first and second XML formats so that business may communicate more effectively with one another (see., abstract, col 1-col 15).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitation detailed above as taught by Bowker because this would have helped businesses to exchange information without having to know, and provide separate conversion tools for the various business formats.

RESPONSE TO ARGUMENTS

6. Applicant's arguments with respect with claims 17-30 have been fully considered but they are not persuasive.

REMARKS

7. In regard to Applicant's arguments filed on 01/03/2008, Applicant continues to argue that:

a. Shwed in view of Bowker fails to teach or suggest a Document Exchange (XDOC) framework for processing in-bound and out-bound documents in an electronic procurement system. However, it is the Examiner's principal position that Shwed discloses a system for controlling or modifying the inbound and outbound data packet flow in a computer network or in an electronic environment. Please note that the Document Exchange (XDOC) of Applicant's claimed invention is only processing in-bound and out-bound documents in an electronic environment, and therefore is readable as the cited reference Shwed inbound and outbound processing system since both systems are processing electronic data.

b. Applicant further argues that the Examiner has failed to respond to Applicant's previous argument that, Shwed in view of Bowker fails to teach or suggest an Extensible Markup Language (XML) content configuration file module configured to provide XML content gathered...The Examiner respectfully disagrees with this assertion since Bowker discloses translating between first and second XML formats so that business may communicate more effectively with one another (see., Bowker, abstract, col 1-col 15). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitation detailed above as taught by Bowker because this would have helped businesses to

exchange information without having to know, and provide separate conversion tools for the various business formats.

c. Additionally, Applicant argues that the Examiner has not responded to Applicant's argument that Shwed in view of Bowker fails to teach or suggest a persistent object framer (POF) module coupled to said XML content configuration file module.... It is the Examiner believes that Shwed discloses a packet filtering module for storing results obtained of reading and executing the packet filter language instructions in a storage device, and therefore, the packet filtering module of Shwed is readable as a persistent object framer module since both modules are for storing inbound and outbound data.

d. Applicant also maintains that Shwed and Bowker cannot be combined. The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art,

established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter); and Es parte Levensgood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levensgood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/
Primary Examiner, Art Unit 3621